

# EXHIBIT P

**Video Recorded Zoom Videoconference Deposition of Kenneth King - 2/28/2022  
In Re Pork Antitrust Litigation**

Page 1

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MINNESOTA

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5 IN RE PORK ANTITRUST  
6 LITIGATION

No. 0:18-cv-10776-JRT-HB  
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14 VIDEO RECORDED ZOOM VIDEOCONFERENCE DEPOSITION OF  
KENNETH KING  
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25 TAKEN FEBRUARY 28, 2022 BY CARA NASI-PINARDI, RPR

# Video Recorded Zoom Videoconference Deposition of Kenneth King - 2/28/2022 In Re Pork Antitrust Litigation

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1 THE VIDEO RECORDED DEPOSITION VIA ZOOM  
2 VIDEOCONFERENCE OF KENNETH KING IS TAKEN ON THIS  
3 28TH DAY OF FEBRUARY, 2022, COMMENCING AT 9:07 A.M.

4  
5 THE VIDEOGRAPHER: We are on the record.  
6 Today's date, as indicated, is February 28, 2022,  
7 and the time, as indicated, is 9:07 a.m.

8 This is the Zoom video deposition of  
9 Kenneth King in the matter of the anti- -- the Pork  
10 Antitrust Litigation, Case Number  
11 0:18-cv-01776-JRT-HB, filed in the United States  
12 District Court for the District of Minnesota.

13 The court reporter is Cara Nasi-Pinardi.  
14 My name is Pat Curto. I'm a Certified Legal Video  
15 Specialist. We are both with the firm of Benchmark  
16 Reporting Agency.

17 Would counsel please state their  
18 appearances for the record starting with the  
19 noticing attorney.

20 MR. THOMSON: Good morning, Bill Thomson  
21 from Stinson LLP. I represent Defendant Seaboard  
22 Foods in this case.

23 MR. AMARA: Good morning. Abou Amara,  
24 attorney on behalf of the witness and the Consumer  
25 Indirect Purchaser Plaintiffs.

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10 2 - Consumer Indirect Purchaser Plaintiffs' Fourth  
11 Amended Consolidated Class Action Complaint -  
12 Demand for Jury Trial, Page 31  
13 3 - Consumer Indirect Purchaser Plaintiffs'  
14 Objections and Responses to Defendants' First  
15 Set of Interrogatories, Page 44  
16 4 - Pork Associated Loin Chops Bone-In, 2.7 - 3.75  
17 Walmart.com - Walmart.com  
18 (Bates King\_00003 - 10), Page 74  
19  
20  
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24  
25

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1 MS. LOOBY: Good morning. Michelle  
2 Looby on behalf of the witness and the Consumer  
3 Indirect Purchaser Plaintiffs.

4 MR. COOK: Good morning. This is Tanner  
5 Cook on behalf of Defendant Triumph Foods.

6 THE VIDEOGRAPHER: Is that it? Okay.  
7 Sir, you may remain seated, and the  
8 court reporter will swear you in.

9  
10 (WHEREUPON, KENNETH KING WAS DULY SWORN.)  
11

12 EXAMINATION  
13 BY MR. THOMSON:  
14 Q All right. Good morning, Mr. King. My name is Bill  
15 Thomson, and I represent Seaboard Foods, one of the  
16 defendants in this case.  
17 Could you please start out by stating your full  
18 name for the record?  
19 **A It is Kenneth King.**  
20 Q All right. Have you ever gone by any other name?  
21 **A No, sir.**  
22 Q Okay. I'm going to just start out with some  
23 housekeeping matters, sort of some ground rules for  
24 the deposition.  
25 **A Okay.**

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1 if you would like, we have produced and will  
2 continue to produce any responsive non-privileged  
3 information.  
4 MR. THOMSON: All right.  
5 BY MR. THOMSON:  
6 Q Mr. King, let's talk about row 58, please. Do you  
7 see there on column A it says "County Market, 11  
8 Winfield Plaza, Winfield, Missouri 63389"?  
9 **A Correct.**  
10 Q And is that the County Market from which you  
11 purchased pork that we discussed earlier?  
12 **A Yes.**  
13 Q And in column C -- or, excuse me -- yes, column C  
14 you say "pork tenderloins." Is that the product  
15 that you purchased from that County Market?  
16 **A Yes.**  
17 Q And in column D you say "4 packs." Does that mean  
18 that you purchased four packs of pork tenderloins  
19 from County Market?  
20 **A Correct.**  
21 Q And do you recall how much pork tenderloin is in a  
22 pack of pork tenderloin?  
23 MR. AMARA: Objection, calls for  
24 speculation. Objection, form.  
25 Mr. King, you may answer.

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1 THE WITNESS: Offhand, no.  
2 BY MR. THOMSON:  
3 Q Okay. And can you tell me what type of pork  
4 tenderloins these were? And by that I mean, were  
5 they marinated? Were they flavored? Was there  
6 anything -- can you just describe the pork  
7 tenderloins?  
8 **A They were just plain pork tenderloins.**  
9 Q Okay. And in column F it says "8/8/2018." Is that  
10 the date that you purchased these pork tenderloins?  
11 **A Correct.**  
12 Q And how do you know that that was the date that you  
13 purchased these pork tenderloins?  
14 **A The receipt that I had.**  
15 Q So you have a receipt reflecting this purchase. Is  
16 that correct?  
17 **A Yes.**  
18 MR. AMARA: Objection, form.  
19 Mr. King, you may answer.  
20 THE WITNESS: Yes.  
21 BY MR. THOMSON:  
22 Q And did you provide that receipt to your counsel?  
23 MR. AMARA: Objection, form.  
24 Mr. King, you may answer.  
25 THE WITNESS: I provided them with the

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1 information that I've had that they have asked for.  
2 BY MR. THOMSON:  
3 Q Do you recall whether you provided them with this  
4 receipt?  
5 MR. AMARA: Objection, calls for  
6 speculation. Objection, form.  
7 Mr. King, you may answer.  
8 THE WITNESS: Yes.  
9 BY MR. THOMSON:  
10 Q Okay. And do you see here that column G is empty?  
11 **A It is.**  
12 Q So do you -- do you recall the brand of pork that  
13 you purchased here?  
14 **A No, sir.**  
15 Q All right. And then column E it says "\$6.88 per  
16 pack." Is that the price for a pack of pork  
17 tenderloin?  
18 MR. AMARA: Objection, form.  
19 Mr. King, you may answer.  
20 THE WITNESS: Correct.  
21 BY MR. THOMSON:  
22 Q And do you remember that because it's reflected on  
23 the receipt that you reviewed?  
24 MR. AMARA: Objection, form.  
25 Mr. King, you may answer.

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1 THE WITNESS: Yes.  
2 MR. THOMSON: Okay. And so, Mr. Amara,  
3 I'm going to reiterate my request for this document  
4 as well that you please produce this.  
5 MR. AMARA: Again, the same statement I  
6 made before applies here as well.  
7 MR. THOMSON: Understood.  
8 BY MR. THOMSON:  
9 Q Mr. King, do you see that columns H and I are empty  
10 for rows 57 and 58?  
11 **A Yes.**  
12 Q Let me just ask -- I think column H is "hog  
13 producer." That's the heading for it. Do you know  
14 what a hog producer is?  
15 MR. AMARA: Objection, form.  
16 Mr. King, you may answer.  
17 THE WITNESS: No.  
18 BY MR. THOMSON:  
19 Q The heading for column I is "hog processor." Do you  
20 know what a hog processor is?  
21 MR. AMARA: Objection, form.  
22 Mr. King, you may answer.  
23 THE WITNESS: I would assume where the  
24 meat is processed.  
25 BY MR. THOMSON:

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1 Q Okay. Do you know whether the defendants in this  
2 case are hog producers?  
3 MR. AMARA: Objection, form.  
4 Mr. King, you may answer.  
5 THE WITNESS: No.  
6 BY MR. THOMSON:  
7 Q Do you know whether the defendants in this case are  
8 hog processors?  
9 MR. AMARA: Same objection.  
10 Mr. King, you may answer.  
11 THE WITNESS: No.  
12 BY MR. THOMSON:  
13 Q Is it fair to say that you don't know which hog  
14 producer produced the hogs that were used in the  
15 pork products that you purchased reflected in rows  
16 57 and 58?  
17 MR. AMARA: Objection, form.  
18 Mr. King, you may answer.  
19 THE WITNESS: Yes.  
20 BY MR. THOMSON:  
21 Q Okay. Is it also fair to say that you don't know  
22 which hog processor processed the hogs that were  
23 used in the pork products reflected in rows 57 and  
24 58?  
25 MR. AMARA: Same objection.

1 Mr. King, you may answer.  
2 THE WITNESS: That was just at that  
3 time. It is still -- we still purchased meat since  
4 then.  
5 BY MR. THOMSON:  
6 Q So when you say "at that time," what time are you  
7 referring to?  
8 **A 8/3/2018 and 8/8/2018.**  
9 Q So as of those dates, those were the only products  
10 that you're seeking damages on in this case?  
11 MR. AMARA: Objection, calls for a legal  
12 conclusion. Objection, form.  
13 Mr. King, you may answer.  
14 THE WITNESS: Those were just the  
15 instances where I had receipts.  
16 BY MR. THOMSON:  
17 Q Okay. So are you seeking damages on any other pork  
18 purchases besides the ones reflected in rows 57 and  
19 58?  
20 MR. AMARA: Objection, calls for a legal  
21 conclusion. Objection, form.  
22 Mr. King, you may answer.  
23 THE WITNESS: I am seeking for I guess  
24 the period of the whole time through my state and  
25 anybody else that has bought pork in the nation.

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1 Mr. King, you may answer.  
2 THE WITNESS: Yes.  
3 BY MR. THOMSON:  
4 Q So would you agree that it's possible that a  
5 non-defendant hog producer reduced the pork that you  
6 are claiming damages on?  
7 MR. AMARA: Objection, calls for  
8 speculation. Objection, form.  
9 Mr. King, you may answer.  
10 THE WITNESS: Yes.  
11 BY MR. THOMSON:  
12 Q Okay. And would you also agree that it's possible  
13 that a non-defendant hog processor processed the  
14 pork that you purchased as reflected here on rows 57  
15 and 58?  
16 MR. AMARA: Objection, calls for  
17 speculation. Objection, form.  
18 Mr. King, you may answer.  
19 THE WITNESS: Yes.  
20 BY MR. THOMSON:  
21 Q Okay. Mr. King, are the purchases listed here in  
22 rows 57 and 58 the only purchases that you are  
23 seeking damages on in this case?  
24 MR. AMARA: Objection, calls for a legal  
25 conclusion. Objection, form.

1 BY MR. THOMSON:  
2 Q So besides the purchases reflected in rows 57 and  
3 58, what purchases are you seeking damages on in  
4 this case?  
5 MR. AMARA: Objection, calls for a legal  
6 conclusion. Objection, form.  
7 Mr. King, you may answer.  
8 THE WITNESS: For the class that I'm in  
9 on this complaint is what I'm seeking damages for.  
10 BY MR. THOMSON:  
11 Q Are you seeking damages for any purchases that you  
12 personally made other than the two rows in this  
13 exhibit?  
14 **A I would have to lean on my counsel for that.**  
15 Q Well, and so I'm asking for your opinion as you sit  
16 here today, are you aware of any other purchases  
17 besides these ones reflected in rows 57 and 58 that  
18 you're seeking damages on?  
19 MR. AMARA: Objection, form. Objection,  
20 asked and answered.  
21 This goes to the response itself, and  
22 the response has limitations speaking to remembering  
23 at the time, and so the answer is not with the  
24 witness. It's with the response itself,  
25 Mr. Thomson.

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1 personally?

2 **A No.**

3 Q So it didn't have any kind of negative financial

4 impact on you?

5 **A No, sir.**

6 Q All right. Were you any more conscious of prices

7 when you were shopping during the financial crisis

8 than you are now?

9 MR. AMARA: Objection, form.

10 Mr. King, you may answer.

11 THE WITNESS: Back then, I was not.

12 BY MR. THOMSON:

13 Q Okay. Did you go out to eat less at restaurants

14 during the financial crisis?

15 MR. AMARA: Objection, form. Objection,

16 asked and answered.

17 Mr. King, you may answer.

18 THE WITNESS: I would say no.

19 BY MR. THOMSON:

20 Q Okay. What about during the COVID-19 pandemic, has

21 that affected you financially at all?

22 **A Financially, no.**

23 Q Okay. Has that changed your eating habits at all?

24 **A I would say no.**

25 Q Okay. So you didn't find yourself, for example,

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1 impacted the pork supply?

2 MR. AMARA: Objection, form.

3 Mr. King, you may answer.

4 THE WITNESS: I do not know.

5 BY MR. THOMSON:

6 Q Okay. Do you have any recollection of whether pork

7 demand went down during the swine flu epidemic?

8 MR. AMARA: Objection, form.

9 Mr. King, you may answer.

10 THE WITNESS: No.

11 BY MR. THOMSON:

12 Q All right. Would you agree with me that if consumer

13 demand for pork goes down that it would be

14 reasonable for pork producers to produce less pork

15 in response?

16 MR. AMARA: Objection, calls for

17 speculation. Objection, form.

18 Mr. King, you may answer.

19 THE WITNESS: Yes.

20 BY MR. THOMSON:

21 Q Mr. King, could you tell me how you've been harmed

22 by the conspiracy alleged in this case?

23 MR. AMARA: Objection, form.

24 Mr. King, you may answer.

25 THE WITNESS: They have taken more of

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1 eating in more often during the pandemic than you

2 did before?

3 **A Well, we still eat in a lot more, so that's why we**

4 **still buy all of our meat at the store, but we**

5 **didn't go out as much, like we weren't allowed to**

6 **here. So, yeah, we just kind of conserved what we**

7 **had.**

8 Q Did you find yourself eating any less pork products

9 during that period than in other periods?

10 **A No, sir.**

11 Q Okay. Mr. King, have you ever heard of the PED

12 virus?

13 **A No, sir.**

14 Q And just in case you're curious, that's the porcine

15 epidemic diarrhea virus.

16 **A I have not, no.**

17 Q Okay. Just wanted to check. Do you recall the H1N1

18 swine flu epidemic?

19 **A I remember hearing about it, yes.**

20 Q Okay. What do you remember about that epidemic?

21 **A I mean, not too much really. I remember just**

22 **hearing that it was going on, and it didn't seem to**

23 **be a concern for a lot of people that were around**

24 **me.**

25 Q Okay. Do you have any recollection of whether it

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1 our money with these prices that keep going up.

2 BY MR. THOMSON:

3 Q Do you have a sense of how much more money you think

4 you paid for pork than you should have paid?

5 MR. AMARA: Objection, calls for

6 speculation. Objection, form.

7 Mr. King, you may answer.

8 THE WITNESS: More than I was back in

9 2008 and 2009.

10 BY MR. THOMSON:

11 Q Do you have any sense of how much more you're paying

12 for pork?

13 **A No, sir.**

14 MR. AMARA: Objection, foundation.

15 Mr. King, you may answer.

16 MR. THOMSON: I believe he said "No,

17 sir."

18 BY MR. THOMSON:

19 Q Okay. Mr. King, do you have a sense of whether my

20 client, Seaboard Foods, has harmed you in any way?

21 MR. AMARA: Objection, foundation.

22 Objection, form.

23 Mr. King, you may answer.

24 THE WITNESS: Offhand, no.

25 BY MR. THOMSON:

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1 Q Okay. Do you know if you've ever bought Seaboard  
2 Foods produced pork?  
3 MR. AMARA: Objection, foundation.  
4 Mr. King, you may answer.  
5 THE WITNESS: Offhand, no.  
6 BY MR. THOMSON:  
7 Q Okay. Do you know what brands of pork Seaboard  
8 sells?  
9 MR. AMARA: Objection, form.  
10 Mr. King, you may answer.  
11 THE WITNESS: No, sir.  
12 BY MR. THOMSON:  
13 Q Do you know what stores Seaboard sells its pork to?  
14 MR. AMARA: Same objection.  
15 Mr. King, you may answer.  
16 THE WITNESS: No, sir.  
17 BY MR. THOMSON:  
18 Q Do you know what brands of pork Smithfield sells?  
19 MR. AMARA: Same objection.  
20 Mr. King, you may answer.  
21 THE WITNESS: No, sir.  
22 BY MR. THOMSON:  
23 Q Do you know whether you've ever bought Smithfield  
24 pork?  
25 MR. AMARA: Objection, form.

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1 Mr. King, you can answer.  
2 THE WITNESS: No, sir.  
3 BY MR. THOMSON:  
4 Q What about Hormel pork, do you know whether you've  
5 ever bought Hormel pork?  
6 MR. AMARA: Objection, form.  
7 Mr. King, you may answer.  
8 THE WITNESS: No.  
9 BY MR. THOMSON:  
10 Q Do you know what brands of pork Hormel sells?  
11 MR. AMARA: Objection, foundation.  
12 Objection, form.  
13 Mr. King, you may answer.  
14 THE WITNESS: No, sir.  
15 BY MR. THOMSON:  
16 Q What about Triumph, do you know if you've ever  
17 bought Triumph pork?  
18 MR. AMARA: Same objection.  
19 Mr. King, you may answer.  
20 THE WITNESS: No, sir.  
21 BY MR. THOMSON:  
22 Q Do you know what brands Triumph sells?  
23 MR. AMARA: Objection, form.  
24 Mr. King, you may answer.  
25 THE WITNESS: No, sir.

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1 BY MR. THOMSON:  
2 Q What about Tyson pork, have you ever bought Tyson  
3 pork?  
4 MR. AMARA: Same objection.  
5 Mr. King, you may answer.  
6 THE WITNESS: Yes, sir.  
7 BY MR. THOMSON:  
8 Q When did you buy Tyson pork?  
9 **A In that timeframe, I have. That's one of the main**  
10 **brands at our store.**  
11 Q And which store is that?  
12 **A Walmart.**  
13 Q Do you know if it's sold at County Market?  
14 **A Offhand, no.**  
15 Q Okay. And what Tyson pork product did you buy?  
16 **A Offhand, I'm not sure.**  
17 Q Okay. Do you recall what brand of Tyson pork you  
18 bought?  
19 **A No, sir.**  
20 Q Okay. Do you have a sense of how much Tyson pork  
21 you bought over the January 2009 to present period?  
22 MR. AMARA: Objection, calls for  
23 speculation.  
24 Mr. King, you may answer.  
25 THE WITNESS: No, sir.

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1 BY MR. THOMSON:  
2 Q Okay. What about Clemens, have you ever bought  
3 Clemens pork?  
4 MR. AMARA: Objection, form.  
5 Mr. King, you may answer.  
6 THE WITNESS: No, sir.  
7 BY MR. THOMSON:  
8 Q Do you know what brands of pork Clemens sells?  
9 MR. AMARA: Objection, form.  
10 Mr. King, you may answer.  
11 THE WITNESS: No, sir.  
12 BY MR. THOMSON:  
13 Q Okay. And what about JBS, have you ever bought JBS  
14 pork?  
15 MR. AMARA: Same objection.  
16 Mr. King, you may answer.  
17 THE WITNESS: No, sir.  
18 BY MR. THOMSON:  
19 Q And do you know what brands of pork JBS sells?  
20 MR. AMARA: Same objection.  
21 Mr. King, you may answer.  
22 THE WITNESS: No, sir.  
23 BY MR. THOMSON:  
24 Q All right. Do you know whether any of the  
25 defendants in this case has settled with you?

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1 **A I believe we signed a declaration with JBS in**  
 2 **September of 2021.**  
 3 Q So you believe you've settled with JBS?  
 4 **A Correct.**  
 5 Q Okay. When do you believe you began to be harmed by  
 6 the conspiracy alleged in this case?  
 7 **A Well, I joined the lawsuit in 2018.**  
 8 Q I'm sorry, Mr. King, again I couldn't hear you.  
 9 **A Yeah. I joined the lawsuit in 2018. I know that**  
 10 **this all started from 2008 until the present time.**  
 11 **I was only aware of it from 2018.**  
 12 Q So you believe you've been harmed since 2008?  
 13 **A Yes.**  
 14 Q Okay. And can you tell me, please, how you've been  
 15 harmed by the conspiracy?  
 16 MR. AMARA: Objection, form.  
 17 Mr. King, you may answer.  
 18 THE WITNESS: By the rising cost. It's  
 19 taken out of our wallets.  
 20 BY MR. THOMSON:  
 21 Q So is it your understanding that an increase in pork  
 22 prices by the pork producers causes an increase in  
 23 the price that you pay for pork?  
 24 MR. AMARA: Objection, form.  
 25 Mr. King, you may answer.

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1 Mr. King, you may answer.  
 2 THE WITNESS: It would, yes.  
 3 BY MR. THOMSON:  
 4 Q Do you know whether Pizza Hut buys any pork  
 5 products?  
 6 **A I mean, we do carry pork, so I would say yes.**  
 7 Q So if Pizza Hut is only changing its prices once a  
 8 year but pork producers are changing their prices  
 9 more than once a year, is it fair to say that Pizza  
 10 Hut is not always passing on changes in prices to  
 11 consumers?  
 12 MR. AMARA: Objection, foundation.  
 13 Objection, calls for speculation.  
 14 Mr. King, you may answer.  
 15 THE WITNESS: I would say, to my  
 16 knowledge, the only reason that they're upping their  
 17 charge is to pay for minimum wage. We don't know if  
 18 that's directly from the manufacturers that are  
 19 telling them to do this. We just know it's to cover  
 20 the minimum wage for new employees coming in.  
 21 MR. THOMSON: Mr. Amara, should we take  
 22 a break now?  
 23 MR. AMARA: Yeah.  
 24 MR. THOMSON: We don't have too much  
 25 more to do. We've been going about an hour.

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1 THE WITNESS: Yes.  
 2 BY MR. THOMSON:  
 3 Q Do you have any understanding or belief about  
 4 whether grocery stores always pass on price  
 5 increases from their suppliers?  
 6 MR. AMARA: Objection, calls for  
 7 speculation. Objection, form.  
 8 Mr. King, you may answer.  
 9 THE WITNESS: No.  
 10 BY MR. THOMSON:  
 11 Q You don't have any understanding about that?  
 12 **A Not as much as some people, no, I don't.**  
 13 Q Do you know how frequently Pizza Hut changes the  
 14 prices of its -- of its -- the products that it  
 15 sells?  
 16 **A I do, about once a year.**  
 17 Q About once a year. Do you have any understanding  
 18 about whether the cost of pork purchased from a  
 19 producer changes more frequently than once a year?  
 20 **A I do not, no.**  
 21 Q Okay. Would it surprise you if you learned that  
 22 pork producers change their prices more frequently  
 23 than once a year?  
 24 MR. AMARA: Objection, calls for  
 25 speculation. Objection, form.

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1 MR. AMARA: Yeah, so mechanically here  
 2 -- why don't we go off -- can we go off the record,  
 3 and we'll kind of discuss logistics here.  
 4 MR. THOMSON: Sure. Could we go off the  
 5 record.  
 6 THE VIDEOGRAPHER: Yes. We are going  
 7 off the record. That will be the end of media one  
 8 in the Zoom deposition of Kenneth King. The time is  
 9 11:07 a.m.  
 10 (Off the record.)  
 11 (Back on the record.)  
 12 THE VIDEOGRAPHER: We are back on the  
 13 record. This is the continuation of the Zoom  
 14 deposition of Kenneth King, the beginning of media  
 15 two. The time is 11:22 a.m. Go ahead.  
 16 BY MR. THOMSON:  
 17 Q All right. Mr. King, during the break, did you  
 18 discuss this case at all with your counsel?  
 19 **A No, sir.**  
 20 Q All right. Mr. King, could you please tell me as a  
 21 matter of fact how much money you spent on pork  
 22 purchases between January 2009 and the present?  
 23 MR. AMARA: Objection, calls for  
 24 speculation. Objection, form.  
 25 Mr. King, you may answer.